

FILED

Amir J. Goldstein, Esq. (CA Bar No. 255620)  
ajg@consumercounselgroup.com  
5455 Wilshire Boulevard, Suite 1812  
Los Angeles, CA 90036  
Tel 323.937.0400  
Fax 866.288.9194

2011 JUN 15 AM 10:10

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY \_\_\_\_\_

Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JERRY SERGENT, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

MIDLAND CREDIT MANAGEMENT,  
INC. aka MIDLAND FUNDING LLC and  
DOES 1 through 10, inclusive,

Defendants.

CASE NO.: 11-CV-2571-DSF (Ex)

*FIRST*  
**AMENDED**

CLASS ACTION COMPLAINT  
FOR DAMAGES

Plaintiff, by and through his attorney, Amir J. Goldstein, Esq., as and for his complaint  
against the Defendants, MIDLAND CREDIT MANAGEMENT, INC. aka MIDLAND  
FUNDING, LLC alleges as follows:

**INTRODUCTION**

1. This is an action for damages brought by an individual consumer and on behalf of  
a class for the Defendant's violations of the Fair Debt Collection Practices Act, 15  
U.S.C. § 1692 *et seq.* ("FDCPA") and the Rosenthal Fair Debt Collection  
Practices Act, California Civil Code § 1788, *et seq.* ("Rosenthal Act") which  
prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

**PARTIES**

2. Plaintiff is a natural person residing in Williston, North Dakota.
3. It is unclear to the Plaintiff whether MIDLAND CREDIT MANAGEMENT, INC and MIDLAND FUNDING, LLC are in fact, separate entities. As such, MIDLAND CREDIT MANAGEMENT, INC and MIDLAND FUNDING, LLC have been named as Defendants in this Complaint.
4. According to the California Secretary of State website, both MIDLAND CREDIT MANAGEMENT, INC and MIDLAND FUNDING, LLC, operate out of the same address which is listed as: 8875 Aero Drive, Suite 200, San Diego, CA 92123.
5. Upon information and belief, the Defendants are debt collectors as defined pursuant to 15 U.S.C. § 1692a(6) with their principal place of business in San Diego, California.

**JURISDICTION**

6. This Court has jurisdiction pursuant to 15 U.S.C. § 1692k (FDCPA) and 28 U.S.C. § 1331 and venue is proper in this district pursuant to 28 U.S.C. § 1391(c), as the venue is appropriate where the Defendants are subject to jurisdiction in this district as they regularly conducts business in this district.

**FIRST CAUSE OF ACTION**

7. Plaintiff realleges paragraphs 1 through 6 as if fully restated herein.
8. That a personal debt was allegedly incurred by the Plaintiff to Citibank.
9. That said debt was allegedly purchased by MIDLAND FUNDING, LLC.
10. That at a time unknown to the Plaintiff herein, the aforementioned debt was allegedly referred and/or assigned to MIDLAND CREDIT MANAGEMENT, INC. for collection.
11. That Plaintiff was confused as to the relationship between Midland Funding, LLC and Midland Credit Management, Inc.

1 12. That on or about August 16, 2010, the Defendants sent the Plaintiff an initial  
2 dunning notice in an attempt to collect a debt.

3 13. That on or about September 23, 2010, the Plaintiff sent the Defendants a written  
4 request for validation of the debt.

5 14. That on or about October 14, 2010, the Defendants, failing to validate the debt,  
6 sent the Plaintiff a second dunning notice in further attempt to collect the debt.

7 15. That said letter contained false, misleading and deceptive language which stated  
8 in pertinent part, **"Congratulations! You have been pre-approved for a**  
9 **discount program designed to save you money..."**

10 16. That upon information and belief, the Defendants failed to properly identify the  
11 original creditor on said communications.

12 17. That the Defendants' communications contain language demonstrating false  
13 statements and deceptive representations, and misleading and overshadowing  
14 language which contradicts the consumer's rights in violation of 15 U.S.C.  
15 §1692e.

16 18. That upon receipt of the Plaintiff's dispute letter, the Defendants continued their  
17 efforts to collect the debt.

18 19. That upon receipt of the Plaintiff's dispute letter, the Defendants failed to provide  
19 the Plaintiff with written validation in violation of 15 U.S.C. §1692g, subsection  
20 (b).

21 20. That Defendant's conduct violates 15 U.S.C. §1692g2 and 1692g5 in that the  
22 Defendants failed to properly identify the creditor.

23 21. That the Defendants' conduct persists with threats of continued collection activity  
24 and possible damage to Plaintiff's credit without providing the consumer with any  
25 validation of the alleged debt.

26 22. That upon information and belief, said letters are computer generated by the  
27 Defendants and use deceptive language, contain false statements and threats of  
28



1 legal action that cannot legally be taken or that are not actually intended to be  
2 taken and are designed to coerce payment under duress.

3 23. That the Defendants intentionally and knowingly and/or carelessly and recklessly  
4 caused these false, misleading and threatening letters on a mass scale by computer  
5 generated system for sole purpose of harassing consumers and coercing payment  
6 and collecting debts.

7 24. That the Defendants, in an attempt to collect a debt, engage in a pattern or practice  
8 of communicating with consumers where the representations made by the  
9 Defendants are harassing, confusing, misleading, deceptive and/or unfair.

10 25. That following Defendants' conduct, Plaintiff suffered actual damages, including,  
11 but not limited to: stress, anxiety, aggravation and sleepless nights.

12 26. Defendants' conduct violates 15 U.S.C. 1692 et seq., including but not limited to  
13 subsections (d), (e), and (g) in that the representations made by the Defendants are  
14 abusive, false, confusing, misleading, deceptive, harassing, unfair and fail to  
15 advise the consumer of his legal rights as required by law.

16 i. The Defendants violated 15 U.S.C. § 1692d by harassing the Plaintiff;

17 ii. The Defendants violated 15 U.S.C. § 1692e by using deceptive means in  
18 an attempt to collect a debt; and

19 iii. The Defendants violated 15 U.S.C. § 1692g by failing to provide the  
20 Plaintiff with written validation and by failing to properly identify the  
21 creditor.

22 27. That as per 15 U.S.C. § 1692 et seq. and as a result of the above violation, the  
23 Defendants are liable to the Plaintiff and all members similarly situated for actual  
24 damages and statutory damages in an amount to be determined at the time of trial  
25 but not less than \$1,000.00 per violation, plus costs and attorney's fees.

26  
27 **AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF PLAINTIFF**

28 28. Plaintiff realleges paragraphs 1 through 27 as if fully restated herein.

1 29. The Rosenthal Fair Debt Collection Practices Act (Rosenthal Act), California  
2 Civil Code § 1788, et seq., prohibits unfair and deceptive acts and practices in the  
3 collection of consumer debts.

4 30. By its acts and practices as hereinabove described, the Defendants have violated  
5 the Rosenthal Act as follows, without limitation: a) The Defendant has violated  
6 §1788.13(i), which prohibits the false representation of the true nature of the  
7 business or services being rendered by the debt collector; b) By contradicting and  
8 overshadowing the consumers rights and failing to clearly and properly advise of  
9 debt collection notices required by law; c) By making false and deceptive  
10 representations deceptively and unlawfully threatened actions which can not  
11 legally be taken

12 31. Pursuant to § 1788.30 of the Rosenthal Act, Plaintiff is entitled to recover his  
13 actual damages sustained as a result of the Defendants' violations of the Rosenthal  
14 Act. Such damages include, without limitation, statutory damages, any actual  
15 damages sustained, other resulting monetary losses and damages, and emotional  
16 distress suffered by Plaintiff, which damages are in an amount to be proven at  
17 trial.

18 32. In addition, because the Defendants' violations of the Rosenthal Act were  
19 committed willingly and knowingly, Plaintiff is entitled to recover, in addition to  
20 his actual damages, penalties of at least \$1,000 per violation as provided for in the  
21 Act.

22 33. Pursuant to § 1788.30(c) Rosenthal Act, Plaintiff is entitled to recover all  
23 attorneys' fees, costs and expenses incurred in the bringing of this action.

#### 24 **CLASS ALLEGATIONS**

25 34. Plaintiff realleges paragraphs 1 through 33 as if fully restated herein.

26 35. The first cause of action is brought on behalf of Plaintiff and the members of a  
27 class.  
28

1 36. The class consists of consumers who received the same form letters, as did the  
2 Plaintiff.

3 37. The Class consists of all persons whom Defendants' records reflect resided in the  
4 state of California and who were sent a collection letter (a) bearing the  
5 Defendant's letterhead in substantially the same form as the letter sent to the  
6 Plaintiff, (b) the collection letter was sent to a consumers seeking payment of a  
7 consumer debt; and (c) and that the letter contained violations of 15 U.S.C. §  
8 1692e with false and deceptive language.

9 38. Pursuant to Federal Rule of Civil Procedure 23, a class action is appropriate and  
10 preferable in this case because:

11 (A) Based on the fact that the collection letters that are at the heart of this  
12 litigation are mass-mailed and computer generated form letters, the class is so numerous  
13 that joinder of all members is impracticable.

14 (B) There are questions of law and fact common to the class and these  
15 questions predominate over any questions affecting only individual class members. The  
16 principal question presented by this claim is whether the Defendants violated the FDCPA  
17 by failing to follow appropriate procedures.

18 (C) The only individual issue is the identification of the consumers who  
19 received the letters, (*i.e.* the class members), a matter capable of ministerial determination  
20 from the records of Defendants.

21 (D) The claims of the plaintiff are typical of those of the class members. All  
22 are based on the same facts and legal theories.

23 (E) The plaintiff will fairly and adequately represent the class members'  
24 interests. The plaintiff has retained counsel experienced in bringing class actions and  
25 collection-abuse claims. The plaintiff's interests are consistent with those of the members  
26 of the class.

27 39. A class action is superior for the fair and efficient adjudication of the class  
28 members' claims. Congress specifically envisions class actions as a principal



means of enforcing the FDCPA, 15 U.S.C. 1692(k). The members of the class are generally unsophisticated individuals, whose rights will not be vindicated in the absence of a class action. Prosecution of separate actions by individual members of the classes would create the risk of inconsistent or varying adjudications resulting in the establishment of inconsistent or varying standards for the parties and would not be in the interest of judicial economy.

40. If the facts are discovered to be appropriate, the plaintiff will seek to certify a class pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure.

41. Collection letters, such as those sent by the Defendants are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."

42. Defendants violated the FDCPA. Defendants' violations include, but are not limited to, the following:

- i. Defendants violated 15 U.S.C. § 1692e by using false representations and deceptive means in an attempt to collect a debt;
- ii. Defendants violated 15 U.S.C. § 1692g by contradicting plaintiff's rights;
- iii. Defendants violated 15 U.S.C. § 1692d by harassing the consumer.

**WHEREFORE**, Plaintiffs respectfully prays that judgment be entered against the Defendants in the amount of:

(a) Statutory damages and actual damages pursuant to 15 U.S.C. § 1692k in an amount to be determined at the time of trial on behalf of the class on the first cause of action.

(b) Statutory damages and actual damages pursuant to Civil Code §1788.30 *et seq.*, as to the fourth cause of action.

(c) Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k and Civil Code §1788.30, *et seq.*

(d) For such other and further relief as may be just and proper.

(e) Plaintiffs requests trial by jury on all issues so triable.

1 Dated: June 14, 2011

AMIR J. GOLDSTEIN, ESQ.

2  
3  
4 Amir J. Goldstein  
Attorney for Plaintiff

5  
6  
7 **CERTIFICATE OF SERVICE**

8  
9 I, Amir J. Goldstein, hereby certify that on June 14, 2011, I served the within  
10 AMENDED COMPLAINT upon the Defendants as reflected below via email:

11  
12 John M. Genga, Counsel for the Defendants: [jgenga@gengalaw.com]

13  
14  
15  
16 Amir J. Goldstein, Esq.  
17 Attorney for Plaintiff



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Dale S. Fischer and the assigned discovery Magistrate Judge is Charles Eick.

The case number on all documents filed with the Court should read as follows:

**CV11- 2571 DSF (Ex)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

## Name &amp; Address:

Amir J. Goldstein, Esq. (CA Bar No. 255620)  
 ajg@consumercounselgroup.com  
 5455 Wilshire Boulevard, Suite 1812  
 Los Angeles, CA 90036  
 Tel 323.937.0400

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

JERRY SERGENT, individually and on behalf of all  
 others similarly situated,

PLAINTIFF(S)

v.

MIDLAND CREDIT MANAGEMENT, MIDLAND  
 FUNDING LLC and DOES 1 through 10, inclusive,

DEFENDANT(S).

CASE NUMBER

CV11-02571 DSF (EX)

SUMMONS

TO: DEFENDANT(S): MIDLAND CREDIT MANAGEMENT, MIDLAND FUNDING LLC and DOES 1  
 THROUGH 10, INCLUSIVE

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Amir J. Goldstein, Esq., whose address is 5455 Wilshire Blvd. Suite 1812, Los Angeles, CA 90036. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

MAR 28 2011

Dated: \_\_\_\_\_

JULIE PRADO SEAL

By: \_\_\_\_\_  
 Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)  
 JERRY SERGENT, individually and on behalf of all others similarly situated

**DEFENDANTS**  
 MIDLAND CREDIT MANAGEMENT, MIDLAND FUNDING LLC, and  
 DOES 1 through 10, inclusive

**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Amir J. Goldstein,  
 5455 Wilshire Blvd. Suite 1812, Los Angeles, CA 90036  
 323.937.0400

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only**  
 (Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☒ Yes ☐ No

☒ **MONEY DEMANDED IN COMPLAINT:** \$

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 15 U.S.C. 1692 et seq - Violations of the Federal Debt Collection Practices Act

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<b>FORFEITURE / PENALTY</b>	<b>PROPERTY RIGHTS</b>
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 630 Liquor Laws	<b>SOCIAL SECURITY</b>
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	<b>REAL PROPERTY</b>	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<b>IMMIGRATION</b>	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**CV11-02571**

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

(Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or

☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or

☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or

☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	North Dakota

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	San Diego

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): \_\_\_\_\_

Date

3/24/11

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))